IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2271 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MANOJKUMAR R. PATEL,

Versus

URBAN LAND TRIBUNAL & EX- OFFICIO SECRETARY

Appearance:

1. Special Civil Application No. 2271 of 1988
MR PM BHATT for Petitioners.
Mr.Sudhir Mehta, AGP for respondents.

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 21/02/2002

ORAL JUDGEMENT

Heard Mr. P.M. Bhatt, learned Advocate for the petitioners and Mr. Sudhir Mehta, learned A.G.P. for the respondents.

1. The petitioners have challenged the order passed by the Tribunal under Section 33 of the Urban Land (Ceiling and Regulation) Act, 1976 (since repealed) in Appeal no.1411 of 1984 on 15-1-1988 confirming the order passed by the competent authority on 31-7-1984 (Annexure "E" and "C" respectively. The possession of the land in question has not been taken over by the authorities which fact is not in dispute in view of the written instructions vide letter dated 21-2-2002 received by the Office of the learned Government Pleader from the competent authority and Additional Collector, Vadodara. The letter is produced on the record of this petition.

2. The Urban Land (Ceiling and Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the Resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution of India. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act, 1976 in respect of the land in question as well as the present petition have abated.

3. It is submitted by Mr. P.M.Bhatt, learned Advocate appearing for the petitioner that similar orders are passed by this Court in several petitions and one such order passed by this Court (Coram: M.S. Shah,J.) on 20th August, 1999 in Special Civil Application no.12543/1993 is produced before me.

4. In view of the above facts which are not denied by the learned Assistant Government Pleader appearing for the respondents, the present petition is accordingly disposed of as having abated. There shall be no order as to costs.

(K.A.Puj,J.)

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